

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking to implement the provisions of
Public Utilities Code § 761.3 enacted by
Chapter 19 of the 2001-02 Second Extraordinary
Legislative Session.

Rulemaking 02-11-039
(Filed November 21, 2002)

**ASSIGNED COMMISSIONER'S RULING
AMENDING SCOPING MEMO TO ADD PHASE 4
AND SET DATES FOR CONSIDERATION OF
GENERAL DUTY STANDARDS**

1. Summary

This Ruling amends the February 19, 2003 Scoping Memo to add Phase 4. It also sets dates for parties to address Commission implementation and enforcement of General Duty Standards for Operation and Maintenance (GDS).

2. Amended Scoping Memo

By letter dated April 16, 2003, I provided participants before the California Electricity Generation Facilities Standards Committee (Committee) with a copy of a Resolution and draft proposed GDS. I also invited parties to serve comments by April 23, 2003, and reply comments by April 28, 2003.

On May 2, 2003, the Committee considered the matter, and adopted a revised Resolution with three general duty standards. (Copy attached in Appendix 1 to this Ruling.) Further, the Committee directed that the documents

be filed with the Commission in this docket. The Commission must now consider implementation and enforcement of the GDS.¹

As a result, I modify the February 19, 2003 Scoping Memo to include Phase 4 for the purpose of considering the GDS. The Scoping Memo is amended to include Attachment D, which is attached to this Ruling. Attachment D states the issues and schedule for consideration of the GDS.

3. Reminder on Filing and Service of Pleadings

As stated in the February 19, 2003 Scoping Memo, parties should use the same outline for filed documents and pleadings (e.g., proposals, comments, reply comments). An original and four copies must be filed with the Commission. Service shall be by electronic mail, with a paper copy served on each person who does not have an electronic mail address, and on each person who requests a paper copy. Paper service in addition to electronic service shall be performed on Administrative Law Judges Thorson and Mattson.

IT IS RULED that:

1. The February 19, 2003 Scoping Memo is amended to include Attachment D, which is attached to this Ruling.
2. Parties may file and serve various pleadings, and shall do so by the dates in Attachment D.

Dated May 2, 2003, at San Francisco, California.

/s/ CARL WOOD

¹ The Committee may or may not later revise the GDS to change, or add to, the adopted standards. The GDS, as filed with the Commission by the Committee, however, has been adopted by the Committee and is effective.

Carl Wood
Assigned Commissioner

ATTACHMENT D
(to February 19, 2003 Scoping Memo)
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STATEMENT OF ISSUES
AND SCHEDULE REGARDING
GENERAL DUTY STANDARDS
FOR OPERATION AND MAINTENANCE

PHASE 4 ISSUES

4.1. GENERAL DUTY STANDARDS FOR OPERATION AND MAINTENANCE (GDS)

Maintenance and Operation: The Commission “shall implement and enforce standards adopted... [by the California Electricity Generation Facilities Standards Committee--Committee] for the maintenance and operation of facilities for the generation of electric energy owned by an electrical corporation or located in the state to ensure their reliable operation.” (§ 761.3(a).)

- 4.1.1. How should the Commission implement the GDS?
- 4.1.2. How should the Commission enforce the GDS?
- 4.1.3. How should the Commission implement changes, if any, to the GDS?
- 4.1.4. Each party should state the specific recommended vehicle (e.g., General Order), and specific recommended language, the party proposes for adoption by the Commission.
- 4.1.5. Each party should state anything else necessary for Commission consideration in implementing and enforcing the GDS.

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STATEMENT OF ISSUES
AND SCHEDULE ON
GENERAL DUTY STANDARDS
FOR OPERATION AND MAINTENANCE

SCHEDULE

Item	Phase 4 (GDS)
Ruling Amending Scoping Memo and Setting Schedule for Phase 4 (GDS)	5/2/03
Proposals and Comments filed and served on Commission implementation and enforcement of GDS	5/12
Reply Comments filed and served	5/19
Motions for Formal Hearing (FH)	5/20
Responses to Motions for FH	5/22
Draft Decision (DD) filed and served [1]	6/10
Comments on DD	6/30
Motions for Final Oral Argument (FOA)	7/1
Responses to Motions for FOA	7/2
Reply Comments on DD	7/7
FOA (if motion made and granted)	7/7
Commission Decision	7/10

[1] Assumes no formal hearing. The schedule will be adjusted if motion for formal hearing is made and granted. Similarly, the remainder of the schedule will be adjusted if the DD is filed and served on a date other than June 10. Absent shortening of the comment period, comments on the DD shall be filed within 20 days of service of the DD, and reply comments within 5 days of service of comments. (Article 19 or the Commission's Rules of Practice and Procedure, Rules 77.2, 77.4, 77.7).

(END OF ATTACHMENT D)

APPENDIX 1

**RESOLUTION NO. 1
OF THE
CALIFORNIA ELECTRICITY GENERATION
FACILITIES STANDARDS COMMITTEE
AND
GENERAL DUTY STANDARDS
FOR OPERATION AND MAINTENANCE**

**CALIFORNIA ELECTRICITY GENERATION
FACILITIES STANDARDS COMMITTEE**

RESOLUTION NO. 1

Adopted May 2, 2003

WHEREAS the People of the State of California and the California Legislature have found, declared, and enacted the following in Senate Bill No. X2 39 (Chapter 19, Statutes of 2001-2002, Second Extraordinary Session):

- (a) Electric generating facilities and powerplants in California are essential facilities for maintaining and protecting the public health and safety of California residents and businesses.
- (b) It is in the public interest to ensure that electric generating facilities and powerplants located in California are effectively and appropriately maintained and efficiently operated.
- (c) Owners and operators of electric generating facilities and powerplants provide a critical and essential good to the California public.
- (d) To protect the public health and safety, and to ensure electrical service reliability and adequacy, the California Electricity Generation Facilities Standards Committee (Committee) is established to develop and adopt standards for the maintenance and operation of facilities for the generation of electric energy owned by an electrical corporation or located in California, except those specifically exempted in California Public Utilities Code §§ 761.3(d) and 761.3(h).

WHEREAS the Committee desires to adopt General Duty Standards for Operation and Maintenance which complement the specific Standards that the Committee has adopted or is now developing.

WHEREAS the Committee seeks to have both general and specific Operation and Maintenance Standards in place for Summer 2003, which may be revised or supplemented by later Committee adoption of revised or supplemental standards.

WHEREAS the Committee's Presiding Officer on April 16, 2003, distributed a proposed Resolution and General Duty Standards for comment.

WHEREAS on or before April 23, 2003, comments were received from Pacific Gas and Electric Company, Southern California Edison Company, Mirant Americas Inc., West Coast Power, California Municipal Utilities Association, Duke Energy North America, AES Generators, Elk Hills Power, and Reliant Energy, and, on April 28, 2003, reply comments were received from Constellation Generation Group.

And **WHEREAS** the comments and reply comments have guided revisions now contained in Attachment A.

THEREFORE, IT IS RESOLVED AND ORDERED by the California Electricity Generation Facilities Standards Committee (Committee) that:

1. The General Duty Standards for Operation and Maintenance stated in Attachment A are adopted.
2. The General Duty Standards for Operation and Maintenance are established as the general operation and maintenance standards of facilities used for the generation of electric energy owned by an electrical corporation or located in California, except to the extent specifically exempted by California Public Utilities Code §§ 761.3(d) and 761.3(h). The General Duty Standards for Operation and Maintenance complement the more specific Standards that the Committee has adopted, or may subsequently adopt. To the extent addressed by

a more specific Standard, compliance with the specific Standard shall satisfy compliance with the general Standard.

3. Committee Staff shall both (a) file this Resolution and adopted General Duty Standards for Operation and Maintenance with the California Public Utilities Commission, and (b) see that a copy is served on the service list of participants before the Committee, as soon as reasonably possible.

4. This Resolution is effective today.

Dated May 2, 2003, at San Francisco, California.

Certification of Staff Director:

I certify that the foregoing resolution was duly introduced, passed, and adopted at a meeting of the California Electricity Generation Facilities Standards Committee held on May 2, 2003, the following members voting favorably thereon:

Carl W. Wood, Presiding Officer
Michael Kahn, Member
Glenn Bjorklund, Member

/s/ RICHARD CLARK
Richard Clark
Committee Staff Director

ATTACHMENT A

GENERAL DUTY STANDARDS FOR OPERATION AND MAINTENANCE

Adopted May 2, 2003, by the
California Electricity Generation Facilities Standards Committee

Pursuant to California Public Utilities Code § 761.3, each facility used for the generation of electricity owned by an electrical corporation or located in California (Facility) shall be operated and maintained in accordance with the following standards:

1. Each Facility shall be operated and maintained in a safe, reliable, and efficient manner that reasonably protects the public health and safety of California residents, businesses, employees, and the community.
2. Consistent with prudent industry practice, each Facility shall be operated and maintained so as to be reasonably available to meet the demand for electricity, and promote electric supply system reliability.
3. Each Facility shall comply with the protocols of the California Independent System Operator for the scheduling of powerplant outages.

Pursuant to California Public Utilities Code § 761.3(a), the California Public Utilities Commission shall implement and enforce these General Duty Standards for Operation and Maintenance. Pursuant to the provisions of California Public Utilities Code § 761.3(f), nothing in these General Duty Standards for Operation and Maintenance shall modify, delay, or abrogate any

deadline, standard, rule or regulation that is adopted by a federal, state, or local agency for the purposes of protecting public health or the environment, including, but not limited to, any requirements imposed by the California State Air Resources Board, an air pollution control district, or an air quality management district pursuant to Division 26 (commencing with Section 39000) of the California Health and Safety Code.

These General Duty Standards for Operation and Maintenance apply to all facilities used for the generation of electric energy owned by an electrical corporation or located in California with the following exceptions (see California Public Utilities Code §§ 761.3(d) and 761.3(h)):

1. Nuclear-powered generating facilities that are federally regulated and subject to standards developed by the Nuclear Regulatory Commission, and that participate as members of the Institute of Nuclear Power Operations.
2. Qualifying small power production facilities or qualifying cogeneration facilities within the meaning of §§ 201 and 210 of Title 11 of the federal Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Secs. 796(17), 796(18), and 824a-3), and the regulations adopted pursuant to those sections by the Federal Energy Regulatory Commission (18 C.F.R. Secs. 292.101 to 292.602, inclusive).
3. Generation units installed, operated, and maintained at a customer site, exclusively to serve that customer's load.
4. Facilities owned by a local publicly owned electric utility as defined in California Public Utilities Code § 9604(d).
5. Any public agency that may generate electricity incidental to the provision of water or wastewater treatment.

6. Facilities owned by a city or county operating as a public utility, furnishing electric service as provided in California Public Utilities Code § 10001.

(END OF ATTACHMENT A)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Assigned Commissioner's Ruling Amending Scoping Memo to Add Phase 4 and Set Dates for Consideration of General Duty Standards on all parties of record in this proceeding or their attorneys of record.

Dated May 2, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.